

Remarks

Claims 5-18 and 20-35 are pending in the present application. Claims 5, 9 and 20 are amended. In claims 5 and 9, the expression "or on the inner surface of said side wall" is deleted.

Claim 20 is amended to cure the lack of antecedent basis in claim 9 for the term "cuboid". No new matter is added by these amendments. Accordingly, entry of the amendments to the claims is respectfully requested.

Claim Rejections under 35 U.S.C. § 112

Claim 20 was rejected under 35 U.S.C. § 112, first paragraph, for lack of antecedent basis for the term "cuboid" in claim 9. The term "cuboid" has been deleted and replaced by the expression "straight tubular chamber" used in claim 9, from which claim 20 depends.

Accordingly, withdrawal of the rejection under 35 U.S.C. § 112 is respectfully requested.

Claim rejections under 35 U.S.C. § 102

The Office Action rejects claims 9-13 and 22-24 under §102(b) as being anticipated by Tanaami (US 20010016321).

As claimed in claim 9, the vessel of the invention differs from the device of Tanaami for two main reasons:

Firstly, the reaction vessel of the invention comprises a tubular body and a chip shaped carrier, wherein said chip shaped carrier is located in an opening of a side wall of said tubular body or in a recess formed in the inner surface of said side wall. This clearly differs from the device of Tanaami in which the chip shaped carrier is located on the inner surface of a side wall of the chamber (see references 16, CL21-23 on Fig. 5 of Tanaami).

Secondly, the vessel of the invention is designed for receiving a pipetting tip introduced into the reaction vessel through an upper opening. This is not the case in the device of Tanaami. Still referring to Figure 5 of Tanaami, elements 13-15 and 14-15 in particular do not allow introduction of a pipetting tip in the "processing chamber" where the chip shaped carrier is located.

Claims 10-13 and 22-24 incorporate all these differences as they depend on claim 9.

As a consequence, withdrawal and reconsideration of the rejection to claims 9-13 and 22-24 under §102(b) is respectfully requested.

Claim rejections under 35 U.S.C. § 103

The Office Action rejects claims 17, 18, 20 and 21 under 35 U.S.C. § 103(a) over Tanaami as applied to claim 9.

The vessel of the invention differs from the device of Tanaami for the two main reasons explained above in the 35 U.S.C § 102 section. As explained above, in the vessel of the invention, the chip shaped carrier is located in an opening of a side wall of said tubular body or in a recess formed in the inner surface of said side wall. The benefits of this special arrangement are described on page 5, line 35 to page 6, line 5 of the patent application as filed:

“This particular location of the chip shaped carrier is advantageous because it allows removing entirely any liquid contained in reaction vessel by a simple pipetting operation during which a pipetting tip is inserted into the vessel until it practically touches the bottom of the vessel. Since the chip shaped carrier and the active surface thereof are not at all in the travel path of the pipetting tip this tip cannot cause any damage of the active surface of the chip shaped carrier.”

Clearly, the device of Tanaami neither teaches nor suggests such a benefit. In fact, the device of Tanaami was not designed to allow simple pipetting operations and is not suitable for the intended for this purpose. Referring once more to Figure 5 in Tanaami, elements 13-15 do not allow the introduction of a pipetting tip in the “processing chamber” where the chip shaped carrier is located. The person skilled in the art would not have been motivated to modify the device of Tanaami to enable simple pipetting operations, because this would require a complete redesign in structure and functions, which would drastically alter its original principle of operation.

These facts and remarks apply to claims 17,18, 20 and 21 which depend from claim 9. As a consequence, reconsideration and withdrawal of the rejection to claims 17,18, 20 and 21 over Tanaami as applied to claim 9 is respectfully requested.

The Office Action rejects claims 5, 6-8, 14-16 and 25 under 35 U.S.C. § 103(a) over respectively Tanaami in view of Larry (US 4845025), Tanaami in view of Larry (US 4845025) as applied to claim 5 and further in view of Frackleton (US 5133937), Tanaami as applied to claim 9 and further in view of Frackleton (US 5133937) and Tanaami as applied to claim 9 and further in view of Mochida (GB 2129551).

As with claim 9, claim 5 has been amended to specify that the system of the invention comprises a vessel wherein the chip shaped carrier is located in an opening of a side wall of said tubular body or in a recess formed in the inner surface of said side wall.

Therefore, the above comments with regard to claim 9 also apply to claim 5 and dependent claims thereof. Additionally, none of Larry, Frackleton and Mochida suggest nor teach the distinguishing features discussed above and therefore do not cure the defects of Tanaami. Applicants respectfully submit that said rejections are obviated by the amendments introduced in claims 5 and 9.

As a consequence, reconsideration and withdrawal of the rejections to claims 5, 6-8, 14-16 and 25 under 35 U.S.C. § 103(a) are respectfully requested.

Conclusion

It is believed that claims as amended are in condition for allowance. No fee is believed to be due at this time, however, the Commissioner is authorized to charge any fee deficiency, or credit any overpayment, to Deposit Account No. 50-0812.

If the Examiner believes a telephone conference would expedite prosecution of this application, he may telephone the undersigned directly at 925-730-8554.

Respectfully submitted,

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